



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/754,893	01/05/2001	Charles A. Kunzinger	RSW920000162US1	4799
7590 01/24/2005			EXAMINER	
Gerald R. Woods IBM Corporation T81/503 P O Box 12195 Research Triangle Park, NC 27709			SONG, HOSUK	
			ART UNIT	PAPER NUMBER
			2135	

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/754,893

Applicant(s)

KUNZINGER, CHARLES A.

Examiner

Hosuk Song

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-14, 16-28, 30-45 is/are allowed.
- 6) ☒ Claim(s) 1, 15, 29 is/are rejected.
- 7) ☒ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 09754893.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1,15,29 are rejected under 35 U.S.C. 102(e) as being anticipated by Daruwalla et al(US 6,693,878).

Claim 1: Daruwalla disclose a computer program product for providing end-to-end protection for datagrams in a computer networking environment(fig.3;col.3,lines 42-46;col.8,lines 17-27), the computer program product embodied one or more computer-readable media and comprising computer readable program code for independently securing each of a plurality of network segments that comprise a network path from a datagram originator to a datagram destination in (col.8,lines 17-27 and fig.3B), while each one or more gateways in the network path retains cleartext access to datagrams sent on the network path in (fig.3A and col.8,lines 28-43).

Claims 15,29: Daruwalla disclose independently securing each of a plurality of network segments that comprise a network path from a first computer to a second computer, wherein a datagram originator at the first computer sends at least one datagram to a datagram destination at the second computer, while each of one or more gateways in the network path retains cleartext access to datagrams sent on the network path in (fig.3 and col.3,lines 42-46;col.8,lines 17-27).

Allowable Subject Matter

2. Claims 2-14,16-28,30-45 are allowed.

Claims 2,16,30: Prior art of record does not teach cascading zero or more protected gateway-to-gateway segments from the first gateway to each of zero or more successive gateways in the network path and cascading a last protected network segment from a final one of the gateways to the datagram destination, wherein the final gateway may be identical to the first gateway if no gateway –to-gateway segments are required wherein the first gateway and each of the zero or more successive gateways retains cleartext access to datagrams sent on the network path.

Claims 43,44,45: Prior art of record does not teach cascading a last protected network segment from a final one of the gateways to the datagram destination,using identifying information from the first protected network segment as identifying information of the protected final network segment,wherein the identifying information is copied from an inbound side of each gateway to an outbound side of that gateway,wherein the first gateway and each of the one or more successive gateways retains cleartext access to datagrams sent on the network path.

Claims 3-14,17-28,31-45 are allowed because of dependency.

Response to applicant's arguments

3. Claims 1-45 are pending. The previous grounds of rejection based on the Liu and Ellis patents are withdrawn in view of Applicant's arguments in the Amendment filed 9/24/2004. However, newly discovered prior art has necessitated new grounds of rejection. The new grounds of rejection are presented above. The delay in citation of the newly discovered prior art is regretted.

Conclusion


Art Unit: 2135

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hosuk Song whose telephone number is 571-272-3857. The examiner can normally be reached on Tue-Fri from 6:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HS

A handwritten signature in black ink, appearing to read 'H. Song', with a long horizontal flourish extending to the right.